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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS ALBERTO SOUSA,

Defendant.

Case No. CR 14-0049 MMC

[PROPOSED] ORDER OF DETENTION

On October 13, 2017, the defendant appeared before the Honorable Judge Corley for an initial appearance on the Indictment in this case. At that time, the government moved for detention. On October 19, 2017, the Court held a hearing on the detention motion.

The Court has carefully considered the report submitted by United States Pretrial Services, which recommends that the defendant be detained pending trial because of the risk of flight. The Court has also considered the proffer by defense counsel that members of the defendant's family and his significant other are willing to serve as sureties on a bond, information that was not available at the time the Pretrial Services report was drafted. The Court has also taken into consideration the fact that the defendant turned himself in to face these charges. Finally, the court considered argument by

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1 government counsel regarding the defendant's history.

2 Based on these considerations, and for the reasons to follow, the Court finds by a preponderance
3 of the evidence that the defendant poses a risk of flight and finds by clear and convincing evidence that
4 the defendant presents a danger to the community, and it finds that no conditions or combination of
5 conditions can mitigate these risks.

6 The defendant has a lengthy criminal history, starting at age 15. He has several felony
7 convictions, including for firearms, for providing false identification to peace officers, for assault with a
8 deadly weapon, not a firearm, and for possession of a controlled substance while armed. This criminal
9 history indicates that the defendant poses a danger to the community should he be released.

10 The Pretrial Services Report also indicates that in 2013, a search of premises controlled by the
11 defendant uncovered evidence of drug trafficking, and the defendant fled to avoid prosecution for those
12 charges. In doing so, he abandoned his family, including two young children. For this reason, the fact
13 that the defendant turned himself in and the fact that family members are willing to serve as sureties are
14 not sufficient to mitigate the risk of flight.

15 In addition, the charges in the indictment carry a presumption that defendant should be detained
16 pending trial, and the Court finds that the defendant has not overcome this presumption.

17 For these reasons, the Court orders that the defendant be detained and remanded to the custody
18 of the U.S. Marshals pending trial.

19
20 IT IS SO ORDERED.

21
22 Dated: October 20, 2017



HON. NANDOR J. VADAS
United States Magistrate Judge